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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/606,494

06/26/2003

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09/23/2008

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EXAMINER

WIENER, ERIC A

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/606,494 | <b>Applicant(s)</b><br>VAN DOK ET AL. |  |
|                              | <b>Examiner</b><br>Eric Wiener       | <b>Art Unit</b><br>2179               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-17, 20, 26-34, 36-40, 45-50 and 54-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-17, 20, 26-34, 36-40, 45-50, and 54-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the following communications: Amendment filed on 8/8/2008.

**This action is made final.**

2. Claims 1, 4 – 17, 20, 26 – 34, 36 – 40, 45 – 50, and 54 – 63 are pending. Claims 59 – 63 are new. Claims 1, 17, 29, and 38 are the independent claims. Claims 1, 17, 29, and 38 are the amended claims. Claims 2, 3, 18, 19, 21 – 25, 35, 41 – 44, and 51 – 53 have been cancelled. Claims 1, 4 – 17, 20, 26 – 34, 36 – 40, 45 – 50, and 54 – 63 have been rejected by the Examiner.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 59 – 63 are rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to distinctly claim subject matter.

Claim 59 recites the limitation "the representation's desktop header bar" in 3. Claim 60 also recites the limitation "the representation's desktop header bar" in lines 2 - 3. There is insufficient antecedent basis for these limitations in these claims. In addition, claims 61 and 62 depend from claims 59 and 60 and do not further cure this deficiency. Therefore, claims 59 – 62 are rejected under 35 U.S.C. 112 second paragraph for lacking antecedent basis.

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Claim 63 recites the limitation “the instant messaging portion” in line 3. There is insufficient antecedent basis for this limitation in the claim. Therefore, claim 63 is rejected under 35 U.S.C. 112 second paragraph for lacking antecedent basis.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 6, 8, 12, 17, 20, 26, 27, 29 – 31, 38 – 40, 45, 47 – 50, and 58 – 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1) in view of Caviades (US 6,646,673 B2).

**As per independent claims 1 and 29,** Ohkado discloses *a method of simplifying user interaction with one or more real time communication user interfaces by adapting the one or more user interfaces to the user's activity level in a computer system that supports real-time communication between a user of the computer system and one or more contacts and a computer program product comprising one or more computer readable media carrying computer executable instructions that implement said method, said method comprising acts of:*

- *displaying a representation of a user interface for real-time communication, the intermediate representation including a text input box and at least a portion of a received real-time message ([0017], lines 6 – 9);*

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- *monitoring user interaction with the intermediate representation of the user interface ([0007], lines 9 – 11 and [0010] – [0011]); and*
- *determining a level of user interaction with the intermediate representation of the user interface based on monitored user interactions with the user interface and automatically adapting the user interface to the user's activity level ([0015], lines 1 – 4) by performing at least one of:*
  - *based on the determined level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged ([0015], lines 1 – 4), automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for a high determined level of interaction, wherein the enlarged representation includes the text input box ([0010] and [0013]); and*
  - *based on the determined level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged ([0015], lines 1 – 4), automatically reducing the size of the intermediate representation of the user interface to a reduced representation appropriate for a low determined level of interaction ([0011] and [0014]).*

Ohkado further discloses that automatically enlarging or reducing includes *determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows ([0015], lines 4 – 9; [0018]; [0031]; and [0038] – [0042]), wherein it is*

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obvious that if a window is able to be linked to another displayed application window "without being an obstacle for the other applications" and also possibly adjacently positioned, then a location and size of the other displayed application windows would be determined so that the window will be properly positioned upon a size change "without being an obstacle for the other applications."

Ohkado does not explicitly disclose that, in the step of monitoring, *all types* of user interaction are monitored, wherein the level of user interaction is based on *all* of these *types* of user interaction over *a period of time* to produce an *overall* level of user interaction in which to base the automatic adapting.

Nevertheless, even though it would have been obvious that if Ohkado could monitor one type of user interaction over time, Ohkado could also monitor all types of user interaction over a period of time, reference is made to the analogous art of Caviedes, which discloses numerous types of user interaction that may be monitored over a period of time to determine an "activity information" that essentially serves as an overall activity level used to automatically adapt the representation of a user interface (column 4, lines 36 – 45; column 5, lines 10 – 19; and column 5, line 63 – column 6, line 43).

Caviedes pertains to the art of groupware systems, distance learning systems, and videoconferencing systems that allow multiple users to communicate through video, audio, and text (column 1, lines 16 – 26 and column 3, lines 43 – 50) and Ohkado pertains to the analogous art of multiple user communication systems also for allowing a user to communicate through text [0004] - [0005]). Furthermore, both Ohkado and Caviedes disclose changing a displayed window based on determined user activity (Ohkado, [0007], [0010] – [0011], [0015] and Caviedes,

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column 4, lines 36 – 45; column 5, lines 10 – 19; column 5, line 63 – column 6, line 43) while also taking into account the properties of other displayed windows (Ohkado, ([0015], lines 4 – 9; [0018]; [0031]; [0038] – [0042] and Caviedes, column 5, lines 43 – 57). Therefore, because they both pertain to analogous art, one would look to the other for possible improvements upon their invention. Furthermore, Ohkado intends to adapt a user interface of a communication system based on monitored user activity ([0008]). Therefore, because Caviedes recognizes a deficiency relevant to Ohkado, wherein user interfaces of communication systems often do not provide the right level of information to a user for the user to easily interact with the interface (column 1, line 38 – column 2, line 8), it would have been obvious to one of ordinary skill in the art at the time of invention to combine Caviedes with Ohkado, because the combination would help overcome this deficiency of such communications systems by allowing a user interface to be modified in a helpful way based on monitored activity.

**As per independent claims 17 and 38**, the claims are sufficiently similar to independent claims 1 and 29 and are therefore rejected for the same reasons as disclosed in the rejection of claims 1 and 29, *supra*.

**As per claim 4**, and taking into account the rejection of claim 1, Ohkado further discloses that *the enlarged representation corresponds to a maximized state for the user interface, and wherein the intermediate representation of the user interface corresponds to a minimized state for the user interface* ([0010] – [0011]), wherein the “first size” corresponds to a maximized state and the “second size” corresponds to a minimized state.

**As per claim 6**, and taking into account the rejection of claim 1, Ohkado further discloses that *the increased level of interaction comprises one or more of hovering over the*

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*intermediate representation and clicking a pointing device on the intermediate representation* ([0007], lines 9 – 11).

**As per claim 8**, and taking into account the rejection of claim 1, Ohkado further discloses that *the intermediate representation of the user interface for real-time communication is displayed within a desktop bar* ([0031] and [0042]).

**As per claim 12**, and taking into account the rejection of claim 8, Ohkado further discloses that *the desktop bar displays one or more representations of one or more other user interfaces simultaneously with the intermediate representation of the user interface for real-time communication* ([0031]), wherein the fact that the representation can be displayed on a title bar of an object window means that the title bar would also display representations of the other objects, wherein it is inferred that objects may comprise interfaces.

**As per claims 20 and 40**, and taking into account the rejection of claims 17 and 38, Ohkado further discloses that *the step for automatically applying the determined size adjustment to the initial representation of the user interface based on the monitored level of user interaction occurs without an explicit input to reduce or enlarge the initial representation* ([0015], lines 1 – 4).

**As per claim 26**, and taking into account the rejection of claim 17, Ohkado further discloses *an act of displaying the initial representation of the user interface for real-time communication in a desktop bar* ([0031] and [0042]).

**As per claim 27**, and taking into account the rejection of claim 26, Ohkado further discloses that *the desktop bar also displays one or more representations of one or more other*



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*user interfaces* ([0031]), wherein the fact that the representation can be displayed on a title bar of an object window means that the title bar would also display representations of the other objects, wherein it is inferred that objects may comprise interfaces.

**As per claim 30**, and taking into account the rejection of claim 29, Ohkado further discloses *the act of automatically reducing the intermediate interface occurs without an explicit input to reduce the intermediate representation* ([0015], lines 1 –4).

**As per claim 31**, and taking into account the rejection of claim 29, Ohkado further discloses that *the intermediate representation of the user interface corresponds to a minimized state for the user interface* ([0010] – [0011]), wherein the “first size” corresponds to a maximized state and the “second size” corresponds to a minimized state.

**As per claim 39**, and taking into account the rejection of claim 38, Ohkado further discloses *displaying the initial representation of the user interface* ([0008]).

**As per claim 45**, and taking into account the rejection of claim 38, Ohkado further discloses *displaying the initial representation of the user interface for real-time communication in a desktop bar that also displays one or more representations of one or more other user interfaces* ([0031] and [0042]), wherein the fact that the representation can be displayed on a title bar of an object window means that the title bar would also display representations of the other objects, wherein it is inferred that objects may comprise interfaces.

**As per claim 47**, and taking into account the rejection of claim 17, Caviedes further discloses *automatically adjusting subsequent representations of the user interface according to a periodic interval* (column 4, lines 36 – 45).

**As per claim 48**, and taking into account the rejection of claim 17, Ohkado further discloses that *automatically applying the determined size adjustment to the initial representation of the user interface comprises enlarging at least a portion of the representation of the user interface* ([0010]).

**As per claim 49**, and taking into account the rejection of claim 17, Ohkado further discloses that *automatically applying the determined size adjustment to the initial representation of the user interface comprises reducing at least a portion of the representation of the user interface* ([0011]).

**As per claim 50**, and taking into account the rejection of claim 17, Ohkado further discloses that *automatically applying the determined size adjustment to the initial representation of the user interface comprises maintaining the current size of at least a portion of the representation of the user interface* (column 17, lines 4 – 11).

**As per claim 58**, and taking into account the rejection of claim 1, Caviedes further discloses that *the monitored user interaction with the intermediate representation includes two or more of the following over the period of time: hovering over the intermediate representation with a pointing device, entering text using the intermediate representation, selecting an element in the intermediate representation with the pointing device, changing focus to the intermediate representation, dragging and dropping items within the intermediate representation, minimizing, maximizing, opening, closing, resizing and moving the intermediate representation* (column 4, lines 36 – 45; column 5, lines 10 – 19; and column 5, line 63 – column 6, line 43).

**As per claim 59**, and taking into account the rejection of claim 1, Ohkado further discloses *determining that the overall level of user interaction is sufficient to expand at least a*

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*portion of the intermediate representation beyond the boundaries of the representation's desktop header bar* ([0010] – [0011]; [0015], lines 1 – 4; and [0042]), wherein it has been interpreted that displaying “on a title bar” sufficiently corresponds to displaying “beyond the boundaries” of the title bar, because in displaying on the title bar, the portion may overlap the title bar and other portions of the interface, and thus the overlapping displayed portion would be “beyond the boundaries” of the title bar.

**As per claim 60**, and taking into account the rejection of claim 59, Ohkado further discloses that *an instant messaging portion of the intermediate representation is expanded beyond the boundaries of the representation's desktop header bar based on the determined overall level of user interaction with the instant messaging portion* ([0010] – [0011]; [0015], lines 1 – 4; and [0042]), wherein it has been interpreted that displaying “on a title bar” sufficiently corresponds to displaying “beyond the boundaries” of the title bar, because in displaying on the title bar, the portion may overlap the title bar and other portions of the interface, and thus the overlapping displayed portion would be “beyond the boundaries” of the title bar.

**As per claim 61**, and taking into account the rejection of claim 60, Ohkado further discloses that *the instant messaging portion of the intermediate representation is popped out and separated from the intermediate representation, such that the instant messaging window appears as a self-contained representation* ([0031]), wherein it has been interpreted that, because the positions of windows in relation to a title bar, such as on, under, etc. “can be set,” this sufficiently corresponds to said portions being able to be displayed as popped out and separated if a user so desires.

**As per claim 62**, and taking into account the rejection of claim 61, Ohkado further discloses *the user adding at least a portion of a second, different representation in place of the popped out instant messaging portion ([0031])*, wherein it has been interpreted that upon "popping out" performed by a movement of a portion's location, for instance "under," the displayed space that replaces the portion that was moved sufficiently corresponds to a "different representation," which would thus be added upon this change of display.

7. Claims 5, 32, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1) and Caviedes (US 6,646,673 B2) in view of Taylor et al. (US 6,147,773 A).

**As per claim 5**, Ohkado and Caviedes sufficiently disclose the method of claim 1.

Ohkado and Caviedes do not explicitly disclose that said method further comprises an act of, upon automatically reducing the intermediate representation to a reduced representation, displaying a message to indicate where the reduced representation is located.

Nevertheless, in an analogous art, Taylor discloses *displaying a message to indicate where a reduced representation is located* (column 8, lines 39 – 45), wherein an indicator to indicate that a window has been reduced to a minimized area is equivalent to a message indicating where the reduced window is located.

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Taylor's teaching into Ohkado's and Caviedes's invention to display a message to indicate where the reduced representation is located upon automatically reducing the intermediate representation to a reduced representation. The modification would have been

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obvious, because in Ohkado's invention, the fact that the window is automatically reduced without the user implicitly selecting a reduce option would mean that they might not immediately know where that the window has been reduced. Therefore, Ohkado would also look to Taylor's messaging interface to incorporate Taylor's teaching of indicating such reduction to help solve this problem.

**As per claims 32 and 55**, and taking into account the rejection of claims 29 and 49, the claims are substantially similar to claim 5 and are therefore rejected on the same grounds as disclosed in the rejection of claim 5, *supra*.

8. Claims 7, 54, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1) and Caviedes (US 6,646,673 B2) in view of Flowers et al. (US 2003/0105812 A1).

**As per claim 7**, taking into account the rejection of claim 1, Ohkado further discloses that *the increased level of interaction comprises typing text in the text input box, and wherein the enlarge representation comprises a send option* ([0035], lines 5 – 9 and [0028], lines 11 – 17).

Ohkado and Caviedes do not explicitly disclose that said method further comprises an act of automatically reducing the enlarged representation to the intermediate representation upon selection of the send option.

Nevertheless, in an analogous art, Flowers discloses *automatically reducing a representation upon selection of a send option* ([0137], lines 16 – 18).

Thus, it would have been obvious to one of ordinary skill in the art at the time of

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invention to incorporate Flowers's teaching into Ohkado's and Caviedes's invention to automatically reduce a representation upon selection of a send option. The modification would have been obvious, because upon sending a message, a user most likely has less use for the window used to send the message and would therefore want the window to not interfere with other windows. Thus, Ohkado would look to Flowers's messaging program and Flowers's teaching of automatically reducing a representation of a messaging window upon selection of a send option to allow for the messaging window to be reduced to a reduced or closed state and thus be out of the way of other windows the user may be using, wherein reducing a window to a reduced representation is an obvious variation of closing it entirely.

**As per claims 54 and 57**, Ohkado and Caviedes sufficiently disclose the limitations of claims 49 and 52.

In addition, Ohkado further discloses that *the initial representation of the user interface comprises the text input box and a send option* ([0028], lines 11 – 17).

However, Ohkado and Caviedes do not explicitly disclose that reducing the initial representation of the user interface is in response to the user selecting the send option.

Nevertheless, in an analogous art, Flowers discloses *automatically reducing a representation upon selection of a send option* ([0137], lines 16 – 18).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Flowers's teaching into Ohkado's and Caviedes's invention, for the same reasons as disclosed in the rejection of claim 7, *supra*.

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9. Claims 9 – 11 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1) and Caviedes (US 6,646,673 B2) in view of Quillen et al. (US 2004/0103156 A1).

**As per claim 9,** Ohkado and Caviedes sufficiently disclose the method of claim 8.

Ohkado and Caviedes do not explicitly disclose that the desktop bar also displays a contact representation, the method further comprising an act of, upon dragging and dropping a file object onto the contact representation, displaying a real-time message window that includes the file object and an option to send the file object to a contact associated with the contact representation.

Nevertheless, in an analogous art, Quillen discloses *a desktop bar displaying a contact representation, and upon dragging and dropping a file object onto the contact representation, displaying a real-time message window that includes the file object and an option to send the file object to a contact associated with the contact representation* ([0060] – [0064]).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Quillen's teaching into Ohkado's and Caviedes's invention to display a contact representation on a desktop bar, and upon dragging and dropping a file object onto the contact representation, displaying a real-time message window that includes the file object and an option to send the file object to a contact associated with the contact representation. The modification would have been obvious, because Ohkado's chat program is built to improve typical chat programs such as Microsoft Netmeeting ([0004]), which supports file transfer. Therefore, it would be obvious that Ohkado would want to incorporate relevant improvements in the art of chat programs that support file transfer, and would look to Quillen's teaching as a

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means for such improvements.

**As per claim 10**, Ohkado, Caviedes, and Quillen sufficiently disclose the method of claim 9. In addition, Quillen further discloses *an act of highlighting the contact representation when one or more real-time messages are received from the contact associated with the contact representation* ([0070]), wherein the contact currently communicating with the user is contextual information that is encompassed by “other contextual information.”

**As per claim 11**, Ohkado, Caviedes, and Quillen sufficiently disclose the method of claim 9. In addition, Quillen further discloses that *the contact representation comprises a user-definable icon* ([0080]).

**As per claim 63**, Ohkado and Caviedes sufficiently disclose the limitations of claim 1.

Ohkado and Caviedes do not explicitly disclose dragging and dropping a file onto a selected instant messaging user listed among instant messaging user in the instant messaging portion of the intermediate representation and opening an instant messaging window that includes the selected user and the dragged and dropped file.

Nevertheless, in an analogous art, Quillen discloses *dragging and dropping a file onto a selected instant messaging user listed among instant messaging user in the instant messaging portion of the intermediate representation and opening an instant messaging window that includes the selected user and the dragged and dropped file* ([0060] – [0064]).

It would have thus been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Ohkado, Caviedes, and Quillen for the same reasons as disclosed in the rejection of claim 9, *supra*.



10. Claim 13, 14, 28, 36, 47 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1) and Caviedes (US 6,646,673 B2) in view of Amro (US 5,699,535).

**As per claim 13**, Ohkado and Caviedes sufficiently disclose the method of claim 12.

Ohkado and Caviedes do not explicitly disclose automatically reducing or enlarging the one or more representations of the one or more other user interfaces when the intermediate representation is automatically enlarged or reduced.

Nevertheless, in an analogous art, Amro discloses *automatically reducing or enlarging one or more representations of one or more other user interfaces when the size of a current representation is modified* (column 2, lines 27 – 44).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Amro's teaching into Ohkado's and Caviedes's invention to automatically reduce or enlarge the one or more representations of the one or more other user interfaces when the intermediate representation is automatically enlarged or reduced. The modification would be obvious, because there is a need for an enhanced user interface that automatically resizes other interfaces that are not immediately being used so as to allow the user to more easily interact with the current interface (Amro, column 2, lines 19 – 21).

**As per claims 28 and 46**, and taking into account the rejection of claims 27 and 45, the claims are substantially similar to claim 13 and are therefore rejected on the same grounds as disclosed in the rejection of claim 13.

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**As per claim 36**, taking into account the rejection of claim 29, Ohkado further discloses that *the intermediate representation of the user interface for real-time communication is displayed within a desktop bar, and wherein the desktop bar displays one or more representations of one or more other user interfaces simultaneously with the intermediate representation of the user interface for real-time communication ([0031] and [0042])*, wherein the fact that the representation can be displayed on a title bar of an object window means that the title bar would also display representations of the other objects, wherein it is inferred that objects may comprise interfaces.

Ohkado and Caviedes do not explicitly disclose automatically reducing or enlarging the one or more representations of the one or more other user interfaces when the intermediate representation is automatically enlarged or reduced.

Nevertheless, in an analogous art, Amro discloses *automatically reducing or enlarging the one or more representations of the one or more other user interfaces when the intermediate representation is automatically enlarged or reduced* (column 2, lines 27 – 44).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Amro's teaching into Ohkado's and Caviedes's invention for the same reasons as disclosed in the rejection of claim 13.

**As per claims 14 and 37**, and taking into account the rejection of claims 13 and 36, Caviedes further discloses that *the one or more other user interfaces comprise one or more of a calendar object, a streaming video object, a streaming audio object, and a contact list* (column 5, lines 1 – 9 and lines 28 – 37).

11. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1) and Caviedes (US 6,646,673 B2) in view of Brown et al. (US 7,146,573 B2).

**As per claim 15**, Ohkado and Caviedes sufficiently disclose the method of claim 1.

Ohkado and Caviedes do not explicitly disclose *that the reduced representation of the user interface for real-time communication comprises a selectable icon*.

Nevertheless, in an analogous art, Brown discloses *a reduced representation of a user interface for real-time communication comprising a selectable icon* (Abstract, lines 8 – 9).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Brown's teaching into Ohkado's and Caviedes's invention to include *a reduced representation of a user interface for real-time communication comprising a selectable icon*. The modification would be obvious, because both Brown's and Ohkado's inventions pertain to the automatic adjusting of interface representations according to user activity. In addition, a minimized icon is a well-known type of minimized representation of an interface and would therefore be an obvious type of representation for Ohkado to include in his invention.

**As per claim 16**, Ohkado, Caviedes, and Brown sufficiently disclose the method of claim 15. In addition, Ohkado further discloses that *the intermediate representation of the user interface for real-time communication is automatically reduced to the reduced representation, the method further comprising an act of displaying one or more received real-time messages adjacent the reduced representation for at least a predetermined period of time ([0038] – [0042])*, wherein the linkage of an interface in a minimized state to a title bar including other

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interface representations would adjacently link said interface in a minimized state to other interfaces of the chat program that would most likely comprise other received real-time messages.

12. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1), Caviedes (US 6,646,673 B2), and Taylor et al. (US 6,147,773 A) in view of Brown et al. (US 7,146,573 B2).

**As per claim 33**, Ohkado, Caviedes, and Taylor sufficiently disclose the computer program product of claim 32. In addition, Ohkado further discloses *displaying one or more received real-time messages adjacent a selectable icon for at least a predetermined period of time* ([0038] – [0042]), wherein the linkage of an interface in a minimized state to a title bar including other interface representations would adjacently link said interface in a minimized state to other interfaces of the chat program that would most likely comprise other received real-time messages.

Ohkado, Caviedes, and Taylor do not explicitly disclose that the reduced representation of the user interface for real-time communication comprises said selectable icon.

Nevertheless, in an analogous art, Brown discloses *a reduced representation of a user interface for real-time communication comprising a selectable icon* (Abstract, lines 8 – 9).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Brown's teaching into the invention of Ohkado, Caviedes, and Taylor to include *a reduced representation of a user interface for real-time communication comprising a selectable icon*. The modification would be obvious, because both Brown's and Caviedes's

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inventions pertain to the automatic adjusting of interface representations according to user activity. In addition, a minimized icon is a well-known type of minimized representation of an interface and would therefore be an obvious type of representation for Ohkado to include in his invention.

**As per claim 34;** Ohkado, Caviedes, Taylor, and Brown sufficiently disclose the computer program product of claim 33. In addition, Ohkado further discloses *enlarging the selectable icon representation of the user interface for real-time communication in response to the user interacting with the one or more real-time message displayed adjacent to the selectable icon* ([0010]).

13. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US 2001/0047626 A1), Caviedes (US 6,646,673 B2), and Taylor et al. (US 6,147,773 A).

**As per claim 56,** Ohkado, Caviedes, and Taylor sufficiently disclose the limitations of claim 55.

Ohkado, Caviedes, and Taylor do not explicitly disclose that the reduced representation comprises a conversation balloon. Nevertheless, the use of conversation balloons as reduced representations in chat interfaces is well known in the art and would thus be an obvious possible means for representing a conversation within the conversation system of the invention of Ohkado, Caviedes, and Taylor.

***Response to Arguments***

14. Applicant's arguments filed on 8/8/2008 have been fully considered, but are not persuasive.

15. The Applicant has argued that Ohkado is silent on determining an overall level of user interaction with an application window based on various forms of user interaction and is further silent on automatically adjusting application window size based on the overall level of user interaction.

The Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

16. The Applicant has argued that Ohkado fails to teach or suggest determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows, as recited in claim 1.

In response to this argument, the Examiner respectfully disagrees. Please refer to the new rejection of newly amended claim 1, *supra*, and to Ohkado, [0015], lines 4 – 9, [0018], [0031], and [0038] – [0042]); wherein it is obvious that if a window is able to be linked to another

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displayed application window "without being an obstacle for the other applications" and also possibly adjacently positioned, then a location and size of the other displayed application windows would be determined so that the window will be properly positioned upon a size change "without being an obstacle for the other applications."

17. The Applicant has argued that Caviedes fails to teach or suggest determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows, as recited in claim 1.

The Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, even though it has previously been disclosed that Ohkado teaches "determining the location and size of any other application windows that are being displayed in addition to the intermediate representation and automatically enlarging or reducing the intermediate representation without obstructing other windows in accordance with the determined location of the other windows" (Ohkado, [0015], lines 4 – 9, [0018], [0031], and [0038] – [0042]), Caviedes also discloses such limitations in column 5, lines 43 – 57.

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18. The Applicant has argued that none of the cited art teaches or suggests determining the location and size of any other application windows that are being displayed in addition to the intermediate representation, and, based on the determined overall level of user interaction, and without any explicit user input indicating that the intermediate representation is to be enlarged, automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for a high determined overall level of interaction, wherein the intermediate representation is enlarged without obstructing other windows in accordance with the determined location of the other windows, the enlarged representation including the text input box, as recited in claim 1, and that none of the cited art teaches or suggests, based on the determined overall level of user interaction, and without any explicit user input indicating that the intermediate representation is to be reduced, automatically reducing the size of the intermediate representation of the user interface to a reduced representation appropriate for a low determined overall level of interaction, as also recited in claim 1.

In response to this argument, the Examiner respectfully disagrees. Please refer to the new rejection of newly amended claim 1, *supra*, and the corresponding explanations provided therein.

19. The Applicant has argued that the prior art of record fails to disclose or suggest wherein an instant messaging portion of the intermediate representation is expanded beyond the boundaries of the representation's desktop header bar based on the determined overall level of user interaction with the instant messaging portion, as recited in claim 60.

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of new claim 60, *supra*, and the corresponding explanations provided therein.



***Conclusion***

20. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

***21. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.***

22. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric A Wiener/  
Examiner, Art Unit 2179

/Ba Huynh/  
Primary Examiner, Art Unit 2179